

In re Patent Application of:

TOWNSEND ET AL.

Serial No. **10/538,019**

Filed: **June 7, 2005**

REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. Applicants would also like to thank the Examiner for allowing Claims 11, 13 and 17-19 and for correctly indicating as allowable the subject matter of dependent Claims 23 and 24. The arguments supporting patentability of new claims are provided below.

I. The Claimed Invention

The present invention, as recited in independent Claim 20, is directed to a method of automated pallet repair, comprising the steps of generating a map of a pallet, with the map including features, dimensions and topography of the pallet. A recipe of repair operations based on the map is generated, and as the pallet is transported to at least one repair station based on the recipe.

II. Independent Claim 20 Is Patentable

The Examiner rejected independent Claim 20 over James et al. in view of Gatteschi, Harding et al., Carew and Tomko or Koizumi.

The Examiner characterized James et al. as disclosing a method of automated pallet repair, wherein pallets are inspected and if needed, are transported to repair stations for repair. As correctly noted by the Examiner, James et al. fails to disclose the inspection being done by a scanning device to create a map of the pallet, and creating a recipe of repair operations from the

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map. The Examiner cited Gatteschi as disclosing an automated method for inspecting and repairing a pallet.

The Examiner cited Harding et al. as generating a repair profile of an article based on inspection data. As correctly noted by the Examiner, Harding et al. does not specifically disclose the inspection data being in the form of a map.

The Examiner cited Carew as disclosing inspection and repair of a structural defect on a surface of a part by scanning the surface of the object to create a map of the object. As correctly noted by the Examiner, the prior art references fail to disclose inspection of a surface of an object by scanning the surface and creating a 3-D data map of the object. The Examiner cited Tomko or Koizumi as disclosing this feature of the claimed invention.

The Applicants submit that the Examiner is using the claims as a roadmap for selectively combining the prior art references to produce the claimed invention.

Moreover, since the Examiner is using such a large number of prior art references to reject the claims, the Applicants further submit that the Examiner is using impermissible hindsight reconstruction. For example, only 2 of the prior art references are actually directed to pallets. The remaining patents are directed to non-pallet related fields.

With respect to Carew, the Applicants submit that it would not have been obvious for one skilled in the art to examine this patent since Carew is directed to mapping the surface morphology of an object in order to detect structural defects in

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the object and/or detect and distinguish surface features. Morphology of an object is directed to the examining the molecular bonding of the surface materials (column 2, lines 2-3).

As discussed in the background section of Carew, many types of defects are not readily visually perceivable and therefore cannot be detected with conventional visual scanning techniques. Reference is directed to column 2, line 66 through column 3, line 13 of Carew, which provides:

"Referring first to FIG. 1, the present invention is broadly concerned with a device implemented method for mapping the surface morphology of an object in order to detect and repair structural defects in an object. The term "morphology" as used herein is intended to mean the chemical make-up, and particularly the type and concentration of molecular bonding of a material. The term "surface" morphology is intended to refer to the nature or character of the bonding between the first few layers of molecules in the surface of an object. By obtaining information relating to the type and concentration of molecular bonding in the first few layers of molecules, generalizations can be made regarding the presence and nature of surface defects which apply to the structural integrity of the material below the first few molecular layers. (Emphasis added).

In sharp contrast, the map as recited in independent Claim 20 including features, dimensions and topography of the pallet. Accordingly, the recipe of repair operations is generated based on the map. Since Carew is directed to repairing

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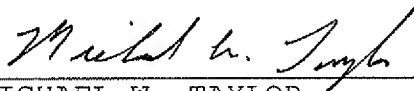
an object at the molecular level, the generated mapped surface morphology is not the same as the map generated in the claimed invention. In fact, generated mapped surface morphology is too specific and detailed to be used in an automated pallet repair system.

Accordingly, it is submitted that independent Claim 20 is patentable over James et al. in view of Gatteschi, Harding et al., Carew and Tomko or Koizumi. In view of the patentability of independent Claim 20, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

III. CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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